

### **REMARKS/ARGUMENTS**

Reconsideration of this application is requested. Claims 1, 2, 4-13 and 21-24 are in the case.

#### **I. THE INTERVIEW**

At the outset, the undersigned wishes to acknowledge the telephone interview conducted with the Examiner (Mr. Saeed). The interview was held on July 31, 2006, and the courtesies extended by the Examiner were most appreciated. The substance of the interview will be clear from the comments presented below.

#### **II. RESTRICTION**

On page 3 of the Action, the Examiner has stated that the elected and examined subject matter is as set forth in the paragraph bridging pages 3 and 4 of the Action. During the interview, it was pointed out that the restriction applied in the present case differed significantly from the restriction applied to the claims in the parent application Serial No. 09/509,032, now U.S. Patent 6,750,243. Upon review of the claims of the '243 patent, the Examiner agreed that the claims of the present case could be of the same scope except for the elected subject matter.

In light of that indication, the claims of the present application have been amended so as to be of the same scope as the parent case except in regard to the elected subject matter. Entry and favorable consideration of the claims as presented herewith are accordingly respectfully requested.

**III. DOUBLE PATENTING**

Claims 1, 2 and 4-13 stand rejected on obviousness-type double patenting grounds as allegedly unpatentable over claims 1-4, 8, 9 and 12 of U.S. Patent 6,716,834. That rejection is respectfully traversed.

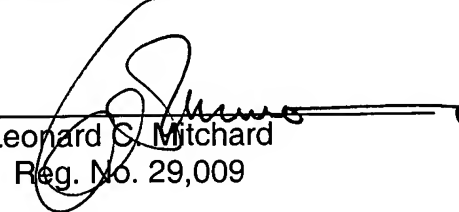
It is clear that distinctions exist as between the claims of the '834 U.S. Patent and the claims as amended in the present application. In particular, the claims of the granted patent require that the 5-atom of the thiochromane be in mono- or di-oxo form and the 6- position of the thiochromane ring bears an essential halo substituent. Neither of these features is required in the claims of the present application. As a result, the claims of the present application are not suggested in any way by the claims of the '834 patent. It is not seen, therefore, that a Terminal Disclaimer is required in the present application in view of the '834 U.S. Patent. Withdrawal of the outstanding obviousness-type double patenting rejection is accordingly respectfully requested.

Favorable action on this application is awaited.

Respectfully submitted,

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